

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

JIMMY RAY MELVIN,

Plaintiff

vs.

OFFICER ELI BRIGHAM,

Defendant

Case No. 2:11-cv-03600-RBP-HGD

MEMORANDUM OF OPINION

The magistrate judge filed a report on August 6, 2013, recommending that the defendant's special report be treated as a motion for summary judgment and, as such, that it be granted and this action dismissed with prejudice. (Doc. 28). No objections have been filed by any party.

Having carefully reviewed and considered *de novo* the report and recommendation, the court is of the opinion that the magistrate judge's report is due to be and hereby is ADOPTED and his recommendation is ACCEPTED. The court EXPRESSLY FINDS that there are no genuine issues of material fact and that the defendant is entitled to judgment as a matter of law. Accordingly, the defendant's

motion for summary judgment is due to be GRANTED and this action is due to be DISMISSED WITH PREJUDICE. A Final Judgment will be entered.

DONE this 4th day of September, 2013.

A handwritten signature in black ink, reading "Robert B. Propst". The signature is written in a cursive, flowing style. Below the signature is a solid horizontal line.

ROBERT B. PROPST
SENIOR UNITED STATES DISTRICT JUDGE